REMARKS

In the Final Office Action, the Examiner noted that claims 1-6, 9 and 11-14 are pending in the application and that claims 1-6, 9 and 11-14 stand rejected. None of the Applicant's claims are amended by this response.

In view of the following discussion, the Applicant respectfully submits that none of these claims now pending in the application are rendered obvious under the provisions of 35 U.S.C. § 103. Thus, the Applicant respectfully submits that all of these claims are now in allowable form.

Rejections

A. **35 U.S.C. §103**

The Examiner rejected the Applicant's claims 1-6, 9 and 11-14 under 35 U.S.C. § 103(a) as being unpatentable over Gordon et al. (2002/0013944, hereinafter "Gordon") in view of Dinallo et al. (5,929,857, hereinafter "Dinallo"). The rejection is respectfully traversed.

In the Final Office Action, the Examiner alleges that regarding claim 1, Gordon discloses a method for generating an interactive electronic menu on a display including all of the aspects of the Applicant's invention and claims except that Gordon fails to explicitly disclose generating the interactive menu on a display, wherein at least the first menu button but not the second menu is displayed; and upon selection of the first menu button and execution of said button command, modifying said interactive menu such that the first and second menu button are displayed simultaneously. As such, the Examiner cites Dinallo for attempting to teach such features of the Applicant's invention, and specifically the Applicant's claim 1. The Applicant respectfully disagrees.

The Applicant agrees with the Examiner's concession that Gordon fails to explicitly disclose generating the interactive menu on a display, wherein at least the first menu button but not the second menu is displayed; and upon selection of the first menu button and execution of said button command, modifying said interactive menu such that the first and second menu button are displayed simultaneously as taught in the Applicant's Specification and as claimed by at least the Applicant's claim 1. The Applicant further submits, however, that Gordon also fails to teach, suggest or render obvious "retrieving a (single) data segment having encoded

therein at least **graphic** data for a first and a second menu button …, wherein the second menu button being a child of the first menu button can only be selected when the first menu button is selected". In contrast to the invention of the Applicant, the invention of Gordon teaches hierarchical menus ("category menu" and "title menu", see 0048). In Gordon, both menus are separate applets, therefore no single data segment is used in Gordon as taught in the Applicant's Specification and claimed by at least the Applicant's claim 1.

Further, in Gordon, the title menu is displayed after the selection in the category menu was made. In contrast to Gordon, the invention of the Applicant enables both menu buttons to be visible **simultaneously**, as taught in at least the Applicant's Figure 2 and claimed by at least the Applicant's claim 1. This is useful, since the first and second menu buttons are connected by a parent-child relationship. To further clarify this difference in the independent claims, the Applicant's independent claims read "the second menu button being a child of the first menu button can only be selected while the first menu button is selected".

The Applicant further submits that the teachings of Dinallo absolutely fail to bridge the substantial gap between the teachings of Gordon and the invention of the Applicant. That is, Dinallo teaches a menu that can be enhanced by additional data that specifies existing menu buttons to be replaced by further (though functionally equivalent) menu buttons. It is assumed that the Examiner refers to a default button and its respective functionally equivalent customized button as the first and second menu buttons. The Applicant submits that, as such, Dinallo may disclose "generating the interactive menu on a display, wherein at least the first menu button but not the second menu button is displayed", but absolutely fails to teach, suggest or render obvious "upon selection of the first menu button and execution of said button command, modifying said interactive menu such that the first and the second menu button are displayed simultaneously" as taught in the Applicant's Specification and claimed by at least the Applicant's independent claim 1.

In the Final Office Action, the Examiner points to Dinallo Figs. 4-7, col. 8, lines 12-67 and col. 9, lines 17-67 for attempting to teach "generating an interactive menu on a display, wherein at least the first menu button but not the second menu button is displayed and upon selection of the first menu button and execution of said button command, modifying said interactive menu such that the first and second menu

button are displayed simultaneously as taught in the Applicant's Specification and as claimed by at least the Applicant's claim 1. The Applicant respectfully disagrees.

More specifically, in Dinallo, the decision as to which menu buttons are rendered visible seems to depend on the additional data from the DVD datastream (col.9, lines 44-47). In Dinallo, a default menu is always generated (col.3, lines 41-45 and col.9, lines 1-22), whether or not there are additional navigation commands in the datastream. If additional navigation commands in the datastream are available, customized buttons are shown and the default menu buttons are "disabled by controlling the color and contrast" (col.10, lines 44-51). Thus, the Applicant submits that it is unclear if, in Dinallo, such buttons are functionally disabled, and it is unclear if "disabled" default buttons are visible or not. While Figs. 6 and 7 of Dinallo may suggest disabled buttons being visible, this would apparently be disturbing to a user. On the other hand, "the default information will always be displayed as part of the graphic user interface" (col.9, lines 36-37). Therefore, the skilled person may not unambiguously derive from Dinallo "modifying said interactive menu such that the first and the second menu button are displayed simultaneously" as taught in the Applicant's Specification and claimed by at least the Applicant's independent claim 1.

In addition, the Applicant submits that there is no teaching in Dinallo that the interactive menu is modified upon selection of the first menu button. Though it is mentioned that "other logic may be used to enable or disable the buttons at appropriate times depending on the user action" (col.10, lines 51-52), this refers to the general current playback state or the like. For example, a previously invisible menu may be rendered visible when the user presses a "menu" button on the remote control. This is however not "upon selection of the first menu button", as taught in the Applicant's Specification and claimed by at least the Applicant's independent claim 1, since the first menu button must be one that is retrieved from the data segment and visible on the display. Further, in Dinallo, the second button is not displayed upon execution of said first button's button command, as taught in the Applicant's Specification and claimed by at least the Applicant's independent claim 1.

Because Dinallo shows additional menu information (control data, but no image data) relating to a plurality of menu buttons, the Applicant has amended the Applicant's independent claims 1 and 12 to include "graphic data for a first and a second menu button" (disclosed on page 3, line 18) to more clearly distinguish the

invention of the Applicant over the cited prior art. That is, Dinallo uses commands and attributes retrieved from the data segment in order to construct a database query which returns bitmap unit objects from a separate database (col.7, lines 25-27, 38-39 and 59-61). The style of the menu is determined from a database of bitmap images (col.9, lines 48-49). Thus, the invention of Dinallo is more complicated than the invention of the Applicant, since it requires a bitmap database in the player. As such, the invention of the Applicant is advantageous over the invention of Dinallo. Simultaneously the invention of Dinallo is less flexible than the invention of the Applicant, since it relies on predefined database objects.

In addition, the Applicant submits that Dinallo also fails to teach or suggest "retrieving a (single) data segment having encoded therein at least **graphic** data for a first and a second menu button ..., wherein the second menu button being a child of the first menu button can only be selected when the first menu button is selected" as taught and claimed by the Applicant.

Therefore and for at least the reasons recited above, the Applicant submits that Gordon and Dinallo, alone or in any allowable combination, absolutely fail to teach, suggest or render obvious each and every element of the Applicant's claimed invention as claimed in at least the Applicant's claim 1. As such, the Applicant submits that for at least the reasons recited above, the Applicant's claim 1 is not rendered obvious by the teachings of Gordon and Dinallo, alone or in any allowable combination, and, as such, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

Likewise, the Applicant's independent claim 12 recites and claims similar relevant features as claimed in the Applicant's claim 1. As such, the Applicant submits that claim 12 is also not rendered obvious by the teachings of Gordon and Dinallo, alone or in any allowable combination, and, as such, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

Furthermore, the Applicant's dependent claims 2-6, 9, 11 and 13-14 depend either directly or indirectly from the Applicant's independent claims 1 and 12 and recite additional features thereof. As such, the Applicant submits that at least because the Applicant's claims 1 and 12 are not rendered obvious by the teachings of Gordon and Dinallo, alone or in any allowable combination, the Applicant further submits that the Applicant's dependent claims 2-6, 9, 11 and 13-14, which depend

either directly or indirectly from the Applicant's claims 1 and 12, are also not rendered obvious by the teachings of Gordon and Dinallo, alone or in any allowable combination, and, as such, fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder.

The Applicant reserves the right to establish the patentability of each of the claims individually in subsequent prosecution.

Conclusion

Thus, the Applicant submits that none of the claims, presently in the application, are rendered obvious under the provisions of 35 U.S.C. § 103. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion, it is respectfully requested that the Examiner telephone the undersigned.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account No. 07-0832.

Respectfully submitted,
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